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Security Council

Sixty-fifth year

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Thursday, 4 March 2010, 10 a.m.

New York

President:	Mr. Issoze-Ngondet	(Gabon)
Members:	Austria	Mr. Mayr-Harting
	Bosnia and Herzegovina	Ms. Čolaković
	Brazil	Mrs. Viotti
	China	Mr. Liu Zhenmin
	France	Mr. Araud
	Japan	Mr. Takasu
	Lebanon	Mr. Salam
	Mexico	Mr. Puente
	Nigeria	Mrs. Ogwu
	Russian Federation	Mr. Churkin
	Turkey	Mr. Apakan
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

Non-proliferation

Briefing by the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006)

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The meeting was called to order at 10.10 a.m.

Expression of thanks to the retiring President

The President (*spoke in French*): I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. Gérard Araud, Permanent Representative of France, for his service as President of the Security Council for the month of February 2010. I am sure I speak for all members of the Council in expressing deep appreciation to Ambassador Araud for the great diplomatic skill with which he conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

Non-proliferation

Briefing by the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006)

The President (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Ambassador Yukio Takasu, Permanent Representative of Japan and Chairman of the Security Council Committee established pursuant to resolution 1737 (2006). I now give the floor to Ambassador Takasu.

Mr. Takasu (Japan): I would like to congratulate you, Sir, on your assumption of the presidency of the Council for this month. I add my voice to yours in thanking Ambassador Araud and the French delegation for their excellent work during the month of February.

I have the honour to present the report of the 1737 Committee here today. This is the thirteenth 90-day report to the Security Council in accordance with paragraph 18 (h) of resolution 1737 (2006). The report covers the period from 11 December 2009 to 4 March 2010, during which time the Committee held no meetings but conducted its work using the silence procedure.

In the previous report, I informed the Council that the Committee had received two reports of violations of paragraph 5 of resolution 1747 (2007), which imposed an export ban on arms and related materiel on the Islamic Republic of Iran. I also informed the Council that the Committee had dispatched letters to the two States involved in the transfer of the arms-related materiel from Iran found onboard the M/V *Hansa India* and the M/V *Francop*, respectively, inviting them to provide an explanation for the transactions as well as additional relevant information about the origin, final destination and ownership of the goods. During the current reporting period, the Committee received a response from one of those States, the State of destination identified in the *Hansa India* bill of lading.

The State asserted that it had found no record indicating that the *Hansa India* was destined for one of its ports and that it was conducting investigations, the results of which it would share with the Committee. The Committee has not yet received any further information from this State on this matter.

Subsequently, the same State, which was also mentioned as the State of destination in the *Francop* bill of lading, wrote to the Committee on that latter case, though not in direct response to the Committee's letter. The State asserted that the allegations made against it were false, and that the *Francop* had not been carrying any materiel that pertained to it. To date, there has been no response from the reported State of origin.

On 20 January 2010, the Committee approved a second implementation assistance notice containing information that might prove to be useful to Member States in implementing their obligations under resolutions 1737 (2006), 1747 (2007) and 1803 (2008). The notice provided a summary of the facts involved in the *Hansa India* incident and urged all Member States to be especially alert for additional violations involving similar circumstances. The Committee also highlighted paragraph 7 of resolution 1803 (2008), in which the Council decided that the targeted financial measures shall also apply to

> "persons and entities determined by the Council or the Committee to have assisted designated persons or entities in evading sanctions of, or in violating the provisions of, [the relevant resolutions]".

Members will recall that the first implementation assistance notice of 24 July 2009 contained an incident report and conclusions concerning the arms-related materiel found on board the M/V *Monchegorsk* and the

involvement of the Islamic Republic of Iran Shipping Lines (IRISL). Similarly, this second notice addressed the arms-related materiel found on board the *Hansa India*, also highlighted the repeated involvement of IRISL and noted the similar circumstances of the two cases, namely the same destination and originating States. Both notices are available on the Committee's website. In line with its mandate, the Committee will continue to explore options for responding effectively to this pattern of repeated sanctions violations.

During the reporting period, the Committee received three notifications from a Member State with reference to paragraph 5 of resolution 1737 (2006), concerning the delivery of items for use in the nuclear power plant in Bushehr, Iran. The Committee also received one notification pursuant to paragraph 15 of resolution 1737 (2006), in connection with the unfreezing of funds to make payments for contracts entered into prior to the listing of two entities. In addition, the Committee received, and responded to, a written query from a Member State concerning certain aspects of the sanctions regime.

Finally, with regard to reporting by States on the implementation of all relevant measures set out in resolutions 1737 (2006), 1747 (2007) and 1803 (2008), the figures remain as follows: 91 reports under resolution 1737 (2006), 78 reports under resolution 1747 (2007) and 67 reports under resolution 1803 (2008).

The President (*spoke in French*): I thank Ambassador Takasu for his briefing.

I shall now give the floor to members of the Security Council who wish to make statements.

Ms. Rice (United States of America): Allow me to begin by congratulating you, Sir, on your assumption of the presidency of the Council. I would also like to thank Ambassador Araud and the delegation of France for their able leadership last month.

I would also like to thank Ambassador Takasu for his comprehensive report and briefing today. But, unfortunately, since we last met on this issue, our concerns about Iran's nuclear programme have only deepened.

First, the latest report of the Director General of the International Atomic Energy Agency (IAEA) once again concludes that Iran is not complying with its IAEA and Security Council obligations, obligations that are essential to building confidence in Iran's assertion that its nuclear programme is for exclusively peaceful purposes. Specifically, the Director General confirmed that Iran has not suspended its enrichment and heavy water-related programmes as required by the Security Council. Instead, Iran has declared that its stockpile of low-enriched uranium has increased and that it is moving quickly to produce near-20 per cent low-enriched uranium. Iran has also announced that it intends to build 10 new enrichment plants, but it has not offered the IAEA any information about their location or design, as required by Iran's Safeguards Agreement.

Moreover, Iran continues to make significant progress in its heavy water-related activities, particularly with the continued construction of the IR-40 reactor. But Iran has denied the IAEA's request to sample heavy water that the Agency discovered in Iran. The Director General also recounts several key issues and unanswered questions about a possible military dimension to Iran's nuclear programme, and he provides troubling information about the timing of Iran's decision to begin work on its previously secret enrichment plant at Qom. Iran's actions fail to provide confidence in the nature of its nuclear programme and, importantly, caused the Director General to declare that the IAEA cannot confirm that "all nuclear material in Iran is in peaceful activities".

We particularly regret the fact that Iran has not taken advantage of an IAEA proposal to provide fuel for the Tehran research reactor in a one-time exchange for 1,200 metric kilogrammes of Iran's low enriched uranium. By rejecting this generous deal, Iran is missing yet another opportunity to build the confidence of the international community in its assertions that its nuclear programme is only for peaceful purposes, and it has deprived the Iranian people of assured access to life-saving medical treatments. Unfortunately, these ongoing violations and this behaviour show a continued pattern of disregard by the Government of Iran for the clear and serious concerns over its nuclear programme expressed by the international community.

Secondly, Iran's continued refusal to provide meaningful responses to the request for information made by the Committee established pursuant to resolution 1737 (2006) is further evidence of Iran's disregard for the obligations imposed by this Council. We commend the Committee's continued diligence in

carrying out its important mandate, even in the face of repeated sanctions violations by certain United Nations Member States. We were pleased that the Committee issued a second Implementation Assistance Notice urging all Member States to be especially alert to additional violations involving similar circumstances, such as those involving the Islamic Republic of Iran Shipping Lines or transfers from Iran to Syria. That Notice also reminded Member States that the Committee has the authority to impose additional targeted sanctions on entities that facilitate sanctions violations or evasion, and we encourage the Committee to continue to explore options for responding to violations, particularly for how to most effectively respond to repeated sanctions violations.

As my Government has noted before, the effectiveness of Security Council resolutions depends on follow-up and enforcement by the Committee, the Security Council and all Member States. As such, it is our responsibility to be vigilant in ensuring that these sanctions are rigorously enforced and that thorough, comprehensive investigations are conducted when there is evidence of violations.

The United States remains firmly committed to a peaceful resolution of international concerns about Iran's nuclear programme. Over the past year and more, the United States has reached out to Iran in unprecedented ways, repeatedly demonstrating our commitment to working towards a diplomatic solution based on mutual respect. And yet, Iran has yet to take steps to build confidence and honour the commitments it has made.

As Security Council members, we must all continue to stand firm in our conviction that Iran must comply with its international obligations. Four years have passed since the IAEA referred this serious situation to the Security Council. In that time, the permanent five members of the Council plus Germany have dedicated themselves to a dual-track approach to place a clear choice before Iran so that it can choose a better way forward. The United States remains committed to that strategy.

In light of Iran's continued non-compliance with its obligations, this Council must consider further measures to hold the Government of Iran accountable.

Sir Mark Lyall Grant (United Kingdom): I should like to add my voice to others congratulating you, Sir, on your assumption of the presidency of the Security Council this month, and to pay tribute to the stewardship of Ambassador Araud and his French team during the month of February.

I am grateful for Ambassador Takasu's detailed report and for the diligent work of the Committee established pursuant to resolution 1737 (2006) over the past three months. His report shows that sanctions have had an effect. For example, they have led to several seizures of illegal Iranian arms exports, and I commend the thorough work of the States that have acted in accordance with their international obligations to ensure that Iran's illicit activities have been disrupted. Sanctions have also made it harder for Iranian banks to finance proliferation activity and for Iran to develop its nuclear programme.

However, while existing measures have had some effect, they have not yet led Iran to change course on its nuclear activities. That is clear from the most recent report of the International Atomic Energy Agency (IAEA), whose charge-sheet against Iran is getting longer with each report. It reinforces our fears that Iran is acting duplicitously and illegally. I would highlight five particular areas covered, including one new example of non-cooperation.

First, Iran showed its contempt for Security Council resolutions through the construction of the site at Qom and announcing its intention to build 10 further enrichment plants. The report states that the development of the Qom site is inconsistent with Iran's obligations under the subsidiary arrangements of its Safeguards Agreement and raises concerns about the completeness of its declarations.

Secondly, the report states that Iran has provided the Agency with measurement results indicating that enrichment levels of up to 19.8 per cent were obtained between 9 and 11 February. Moreover, the report highlights that, although the Agency told Iran not to start enriching to 20 per cent, Iran continued to do so anyway. It states that Iran has now installed 8,610 centrifuges, of which 3,772 are operating, and has increased its stockpile of low enriched uranium to more than 2,000 kilogrammes.

Thirdly, the IAEA Director General makes clear that there has been no Iranian cooperation with the IAEA on outstanding issues concerning possible military dimensions for 18 months, and he states that the information available to the Agency on these issues "altogether raises concerns about the possible existence

on Iran of proof of current undisclosed activities relating to the development of a nuclear payload for a missile".

Fourthly, the report also highlights new areas of non-cooperation. For example, Iran has refused to allow the Agency to take samples of heavy water stored at Esfahan or access to the heavy water production plant.

Fifthly, the report makes clear that Iran has still not implemented the Additional Protocol. The Director General urges Iran to take steps to fully implement its safeguards and other obligations, and we fully support the IAEA efforts in this regard.

Iran's true intentions were also shown by its failure to respond constructively to the proposal to replace fuel rods at the Tehran nuclear research reactor using Iran's stocks of 3.5 per cent low-enriched uranium. That proposal met Iran's wish to secure fuel for this research reactor, and it would have been a real confidence boost to the prospects for a broader dialogue with Iran on nuclear matters. But despite initial signals that Iran could accept such a deal, it instead made counter-proposals in complete opposition to the spirit and purpose of the agreement.

Iran's current trajectory is illegal and destabilizing. The IAEA report emphasizes again that they are unable to verify that Iran's nuclear programme is for non-military purposes. Without this reassurance, there is a very real possibility that Iran's actions could lead to increased proliferation across the region.

However, the prospect of tough sanctions means that this scenario is not inevitable. Despite Iranian boasting, we can still persuade Iran to comply with IAEA requirements by making the cost of their current nuclear programme too great to bear. Further measures would demonstrate that the international community is united behind a diplomatic resolution to Iran's nuclear issue and would stave off any pre-emptive moves by others to resolve this issue by other means.

Adopting further measures represents the best prospect for bringing Iran into serious negotiations to resolve the IAEA concerns. Such measures should be smart and effective. They should target areas with an impact on the regime's policy calculations. They should show the regime the extent to which the costs of their nuclear programme outweigh any dubious benefits.

At the same time, we should reaffirm our willingness to continue to engage with Iran. The E3+3 has offered economic benefits, such as investment and trade, help so that Iran could develop civilian nuclear power and a renewed relationship with the international community based on respect and equality.

We have never denied Iran's right to pursue a peaceful civilian nuclear programme, but with that right comes responsibility, and Iran needs to restore trust by the international community. Their continued silence on possible weaponization activities, combined with the revelation of secret enrichment sites and aggressive rhetoric, does little to restore trust in their intentions, but merely adds to our concerns about the programme.

The United Kingdom and its international partners, including the European Union, are committed to the dual-track strategy, and we hope that the Security Council will continue to support us in these efforts.

Mr. De Rivière (France) (*spoke in French*): First of all, I too would like to congratulate you, Sir, on your assumption of the presidency of the Security Council. I would also like to thank Ambassador Takasu for his 90-day report, as well as for his management of the Committee and the professionalism of his team. His briefing has described the Iranian efforts to circumvent the Security Council sanctions, along with the exemplary behaviour of States in seeking to address this.

The International Atomic Energy Agency (IAEA) has just issued a damning report concerning the Iranian nuclear dossier, and I would like to highlight a number of points that are of particular concern.

Iran continues to energetically pursue its enrichment programme, which it was under the obligation to suspend. It has now produced almost two tons of low-enriched uranium: this would be, after re-enrichment, more than enough to manufacture a nuclear device. But there is no nuclear plant in Iran that would be able to use it.

Iran has already started to enrich uranium to 20 per cent, without having notified the Agency in due time. Thus, the Agency was unable to take the measures necessary to monitor this progression to a level that brings Iran dangerously close to the military threshold. As we know, 20 per cent is more than 90 per

cent of the way towards the enrichment of military-grade uranium.

Iran also continues to pursue its heavy water activities in Arak and its work on a 40-megawatt plutonium reactor, which is far too powerful for the research and development or medical isotopes activities alleged by Iran. Nor did Iran authorize the Agency to take samples from several thousands of litres of heavy water recently discovered at Isfahan.

Iran has constructed a clandestine enrichment factory in Qom, announced last November. This site remained undeclared for some years, in violation of Iran's safeguards agreement. Iran claims that this site's nuclear purpose was decided only in the second half of 2007, while the Agency states that it has information revealing that the design of the installation dates back to 2006. Iran did not respond to the Agency's request for access to the companies involved in the construction of the site. The Agency had asked Iran to confirm in writing that there were no further hidden sites in preparation, and Iran did not do so.

There is no credible civilian application for this site. The Agency has confirmed that this installation could harbour around 3,000 centrifuges. That is sufficient to construct an atomic bomb but not nearly enough for a reactor. Nearly 45 years would be required for it to produce a single annual refuelling for a reactor similar to that of Bushehr.

We cannot underestimate the gravity of these facts. How can we have trust? How many hidden sites remain?

For two years now, the Agency has been investigating the alleged military studies, namely on conversion activities, work on coordinated high-power explosives and, finally, work on a Shahab missile to carry a nuclear warhead. It is these studies that give rise to the fear that not only has Iran worked in the field of fuel and modes of delivery, but also on the missing link: the development of a device and its delivery by missile.

The Agency has confirmed that it has credible information from multiple sources covering a long period of time, information that is consistent in terms of the technical detail, timetables, individuals and entities concerned.

Iran itself has corroborated some of the information, such as the identification of certain workshops or the designation of certain projects. According to the Agency, these activities apparently continued after 2004.

For nearly two years now, however, Iran has denied access to any of the documents, sites, individuals or entities involved. As time passes, the Agency is concerned that it will become harder and harder to obtain information. Without this information, it will be impossible to rule out the possibility of a military nuclear programme.

In terms of transparency, Iran has — completely illegally — ceased to apply modified Code 3.1. It is also is not applying the Additional Protocol.

Concerning the research reactor in Tehran, Iran has rejected the agreement proposed by the Director General of the IAEA. That agreement, which was accepted by all the other parties, had proposed a transparent and balanced supply strategy aimed at meeting Iranian needs in terms of medical radioisotopes. It would have restored some trust while ensuring that, for a number of months at least, there would not be a sufficient quantity of low-enriched uranium in Iran to build a bomb.

Iran, however, has merely re-proposed options that were categorically ruled out by Mohamed ElBaradei during the negotiations in Vienna. These were ruled out with good reason: they all would have enabled Iran to construct an atomic bomb at any moment.

Lastly, while this is not reflected in the report, Iran has rejected all of the E3+3 offers to hold a meeting on its nuclear programme.

If we take all of these facts together, we see a country that is producing nuclear fuel without having a nuclear plant, which is secretly developing enrichment sites without any credible civilian application, which is underhandedly making progress towards the necessary enrichment level to construct a bomb, which has developed a ballistic missiles programme and which categorically refuses to comment on the militarization of its programme even though there is a wealth of information on this work that the Agency considers credible.

My country is determined to support the broadest possible dissemination of the peaceful uses of nuclear energy. We have undertaken extensive cooperative efforts in the Gulf and elsewhere. In Paris next week,

we will hold a high-level conference on this subject. But how can we maintain confidence in nuclear energy if it is possible to completely reject transparency without being called to account? How can we guarantee the integrity of the Treaty on the Non-Proliferation of Nuclear Weapons on the eve of this year's Review Conference if it is possible to violate all of its rules without consequences?

Within the E3+3, we remain deeply committed to finding a diplomatic solution to this question. However, we cannot sit idly by. We cannot allow the Iranian programme to progress while our offers for dialogue and cooperation are turned down one after the other and while the work of the IAEA is hampered in such a provocative manner. Furthermore, the Security Council cannot allow a State to flout five consecutive resolutions.

Lastly, we cannot allow ourselves to continue to be taken advantage of by the range of dilatory overtures being made by the regime. Every moment counts. Given this situation, along with our partners we have today no other choice but to seek the Security Council's adoption of new measures in the coming weeks, in line with the dual-track approach that has been consistently promoted by the permanent five members of the Security Council plus Germany.

Mr. Churkin (Russian Federation) (*spoke in Russian*): First of all, Mr. President, let me congratulate you and the delegation of Gabon on your assumption of the important functions of the presidency of the Security Council for this month. I would also like to thank Ambassador Araud and the French delegation for the dynamic and skilful manner in which they presided over the Council in February.

We are also grateful to Ambassador Yukio Takasu for his briefing on the work of the Committee established pursuant to resolution 1737 (2006), the regular 90-day review and the work that has been done. In the period under review, the Committee continued to act in strict compliance with the provisions of resolutions 1737 (2006), 1747 (2007) and 1803 (2008). It is important that, in the future, the Committee apply the spirit and letter of those resolutions in the interests of finding an effective resolution to the Iranian nuclear problem solely through political and diplomatic means.

The situation concerning the Iranian nuclear programme continues to be complex. The talks of the permanent five members of the Security Council plus Germany (P5+1), the International Atomic Energy Agency (IAEA) and Russia have made considerable diplomatic efforts, which have to date not produced the desired results. However, we believe that there is an opportunity for negotiations, and in particular to agree on a convincing and mutually acceptable fuel-exchange model for Tehran's research reactor. The successful implementation of such a project would be a genuine step towards restoring trust in the solely peaceful nature of the Iranian nuclear programme and the best way to meet the humanitarian needs of the Iranian people.

We continue to advocate the resolution of the issues related to the Iranian nuclear programme through dialogue and interaction with the Iranian side. The core of the Russian position has always been and will continue to be based on talks to find diplomatic solutions and on involving Tehran in joint efforts under the IAEA's mandated involvement. We call on Tehran to make the necessary accommodations to ensure the very prompt resumption of a broad dialogue with the P5+1 with a view, among other things, to achieving a negotiated settlement of the situation concerning the Iranian nuclear programme. We are convinced that such a settlement would respond to the basic interests of the entire international community and of Iran itself.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): At the outset, I would like to congratulate you, Mr. President, on your assumption of the presidency of the Security Council for this month. I would also like to express our appreciation to our French colleagues for their very effective work in the month of February.

I should also like to thank Ambassador Takasu for his briefing on the work of the Committee established pursuant to resolution 1737 (2006) during the past 90 days. We appreciate the work he has done since assuming the chairmanship of the Committee. China notes that the 1737 Committee has done very effective work in that period, for which we are grateful.

The Council has adopted several resolutions on the Iranian nuclear issue since 2006, including resolutions 1737 (2006), 1747 (2007) and 1803 (2008). Those resolutions reflect the common concerns of the international community in connection with the Iranian nuclear issue. They were adopted in the interest of maintaining the international nuclear non-proliferation regime, strengthening the authority and role of the International Atomic Energy Agency (IAEA), and

promoting diplomatic efforts aimed at the peaceful resolution of the Iranian nuclear issue. Every State has an obligation to implement those resolutions comprehensively and faithfully.

China has always supported the international nuclear non-proliferation regime. We favour addressing the Iranian nuclear issue through the dual-track strategy. We attach great importance to and have strictly observed our obligations under the relevant resolutions. At the same time, however, we believe that sanctions are not an end in themselves and can in no way provide a fundamental solution to this issue. Diplomatic negotiations and a peaceful settlement of the issue therefore remain the best option.

Although the relaunching of negotiations currently faces some difficulties, the window for contact and dialogue is not closed. In that regard, it is worth noting that all the parties concerned have indicated that the draft IAEA agreement on supplying nuclear fuel for the Tehran research reactor continues to be valid. This illustrates that diplomatic efforts by the international community have not been exhausted and that there is still room for further diplomatic efforts.

China has taken note of the latest report of IAEA Director General Amano. We support the IAEA's continued constructive role in finding an appropriate solution to the Iranian nuclear issue. We also hope that Iran will further strengthen its cooperation with the IAEA and clarify and properly resolve relevant questions at an early date so as to remove the international community's doubts about its nuclear programme.

We believe that the key to easing the current tense situation surrounding this issue remains finding an acceptable solution to the problem of supplying nuclear fuel for the Tehran research reactor and the resumption of negotiations between the permanent five members of the Security Council plus Germany with Iran as soon as possible. We hope that the relevant parties will arrive at early consensus with regard to the IAEA draft agreement for the supply of nuclear fuel for the Tehran research reactor. We also hope that the parties concerned will take the broader and more long-term situation into consideration in order to strengthen diplomatic efforts, including adopting more flexible and pragmatic policies with a view to making progress in the dialogue and negotiations.

China will continue to participate actively in the work of the 1737 Committee and support and coordinate with the relevant efforts of the Chairman to allow the Committee to play a constructive role in duly resolving the Iranian nuclear issue.

The President (*spoke in French*): There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda. I now invite Council members to informal consultations on other issues.

The meeting rose at 10.50 a.m.